

GOVERNMENT

SIKKIM



GAZETTE

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**GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK**

No. 3/LD/19

Date: 12.03.2019

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 28th day of February, 2019 is hereby published for general information:-

**THE SIKKIM PROHIBITION OF BEGGARY (AMENDMENT) ACT, 2019
(ACT NO. 3 OF 2019)**

AN

ACT

to amend the Sikkim Prohibition of Beggary Act, 2004.

BE it enacted by the Legislature of Sikkim in the Seventieth Year of the Republic of India, as follows:-

Short title and commencement

1. (1) This Act may be called The Sikkim Prohibition of Beggary (Amendment) Act, 2019.
(2) It shall come into force on the date of its publication in the Official Gazette.

Amendment of section 25

2. In the Sikkim Prohibition of Beggary Act, 2004, for section 25 and the entries relating thereto, the following shall be substituted, namely:-

"Medical examination and detention of mentally retarded person

25 (1) Where it appears to the State Government that any beggar and offenders detained in a Certified Institution under any order of a Court is of unsound mind, the State Government may by an order setting forth the grounds of belief that the beggar and offenders is of unsound mind, order his removal to a mental hospital or other place of safe custody, to be kept and treated as the State Government may direct during the remainder of the term for which he has been ordered to be

detained or, if on the expiration of that term it is certified by a Medical Officer that it is necessary for the safety of the Beggar and Offenders or of others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(2) Where it appears to the State Government that the beggar and offenders has ceased to be of unsound mind, the State Government shall, by an order directed to the person having charge of the beggar and offenders if still liable to be kept in custody and send him to the Certified Institution from which he was removed or if the beggar and offender is no longer liable to be kept in custody, order him to be discharged.

(3) The provisions of section 40 of the Mental Health Act, 1987, shall apply to every beggar and offenders confined in mental hospital under sub-section (1) after the expiration of the period for which he was ordered to be detained and the time during which a beggar and offenders is confined in a mental hospital under that sub-section shall be reckoned as part of the period for which he may have been ordered by the Court to be detained:

Provided that where the removal of a beggar and offenders due to unsoundness of mind is immediately necessary, it shall be open to the authorities of the Institution in which the beggar and offenders is detained to apply to a Court having jurisdiction under the Mental Health Act, 1987, for an immediate order of committal to a mental hospital until such time and the orders of the State Government can be obtained in the matter."

K. C. Barphungpa (SSJS),
L.R-cum-Secretary,
Law Department.